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General Assembly

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Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption
Buenos Aires, 4-7 December 2001

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Consideration of proposals and contributions received from Governments.
5. Adoption of the report of the Informal Preparatory Meeting.

Annotations

1. Opening of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption

In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex I), was desirable; decided to begin the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention; and also decided to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation were adopted.

Pursuant to resolution 55/61, the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption met in Vienna from 30 July to 3 August 2001. The Intergovernmental Open-Ended Expert Group recommended to the General

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Assembly at its fifty-sixth session, through the Commission on Crime Prevention and Criminal Justice at its resumed tenth session and the Economic and Social Council, the adoption of a draft resolution outlining the terms of reference for the negotiation of the United Nations Convention against Corruption. At its resumed tenth session, held in Vienna on 6 and 7 September 2001, the Commission on Crime Prevention and Criminal Justice approved the report of the Intergovernmental Open-Ended Expert Group and the draft resolution contained therein and decided to transmit the report and the draft resolution through the Economic and Social Council to the Assembly for consideration and adoption, as appropriate. In accordance with the draft resolution, the Assembly would accept with gratitude the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee established pursuant to resolution 55/61, prior to its first session.

The Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption will be convened on Tuesday, 4 December 2001, at 10 a.m.

2. Election of officers

In accordance with the draft resolution recommended by the Intergovernmental Open-Ended Expert Group for adoption by the General Assembly, through the Commission on Crime Prevention and the Economic and Social Council, the Assembly would decide that the bureau of the ad hoc committee would be elected by the committee itself and would consist of two representatives from each of the five regional groups. The first session of the Ad Hoc Committee is due to be held in Vienna from 21 January to 1 February 2002.

In view of the pending decision of the General Assembly and the informal nature of the meeting, the Ad Hoc Committee may wish to dispense with the election of a full bureau. Instead, the Ad Hoc Committee may wish to elect a Coordinator and a Rapporteur of its Informal Preparatory Meeting. In taking its decision, the Ad Hoc Committee may wish to take into consideration the established United Nations practice whereby a representative of the host Government assumes the position of Chairman at United Nations meetings.

3. Adoption of the agenda and organization of work

The resources made available to the Ad Hoc Committee for its Informal Preparatory Meeting permit the holding of two plenary meetings per day with interpretation in English, French and Spanish.

The proposed organization of work is contained in the annex to the present document.

4. Consideration of proposals and contributions received from Governments

In its resolution 55/61, the General Assembly requested the Secretary-General to prepare a report analysing all relevant international instruments, other documents and recommendations addressing corruption and to submit it to the Commission on Crime Prevention and Criminal Justice; and requested the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption.

In its resolution 55/188 of 20 December 2000, the General Assembly reiterated its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption, and invited the expert group to examine the question of illegally transferred funds and the return of such funds to the countries of origin.

On the recommendation of the Commission on Crime Prevention and Criminal Justice at its tenth session, the Economic and Social Council adopted resolution 2001/13, entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds", in which it requested the intergovernmental open-ended expert group referred to in resolution 55/61 to consider, within the context of its mandates, the following issues, inter alia, as possible items of work to be included in the draft terms of reference for the negotiation of a future legal instrument against corruption: (a) strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, including the laundering of funds derived from acts of corruption, and promoting ways and means of enabling the return of such funds; (b) developing the measures necessary to ensure that those working in banking systems and other financial institutions contributed to the prevention of the transfer of funds of illicit origin derived from acts of corruption, for example, by recording transactions in a transparent manner, and to facilitate the return of those funds; (c) defining funds derived from acts of corruption as proceeds of crime and establishing that an act of corruption might be a predicate offence in relation to money-laundering; and (d) establishing criteria for the determination of countries to which funds, referred to above, should be returned and the appropriate procedures for such return.

In accordance with the draft resolution recommended by the Intergovernmental Open-Ended Expert Group for adoption by the General Assembly, through the Commission on Crime Prevention and the Economic and Social Council, the Assembly would decide that the ad hoc committee established pursuant to Assembly resolution 55/61 would negotiate a broad and effective convention, which, subject to the final determination of its title, would be referred to as the "United Nations Convention against Corruption"; would request the ad hoc committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation; would invite the ad hoc committee to draw on the report of the Intergovernmental Open-Ended Expert Group, on the report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption, as well as on the relevant parts of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session, and in particular on paragraph 1 of Economic and Social Council resolution 2001/13 as resource materials in the accomplishment of its tasks; and would request the ad

hoc committee to take into consideration existing international legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime.

In preparation for the Informal Preparatory Meeting of the Ad Hoc Committee, the Secretariat invited Governments to submit proposals concerning the substantive content of the draft United Nations Convention against Corruption. As at 20 November 2001, the Secretariat had received proposals and contributions from the Governments of Argentina, Austria, Azerbaijan, France, Japan, Mexico, the Netherlands, Peru, Sri Lanka, Switzerland, Tunisia, Turkey and the United Kingdom of Great Britain and Northern Ireland.

Documentation

Proposals and contributions received from Governments (A/AC.261/IPM/2-13)

Background documents

Report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption (E/CN.15/2001/3 and Corr.1)

Report of the Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption (see A/56/402-E/2001/105)

5. Adoption of the report of the Informal Preparatory Meeting

The Informal Preparatory Meeting is to adopt a report, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Buenos Aires from 4 to 7 December 2001

Date	*Time*	*Item*	*Title or description*
Tuesday, 4 December	10 a.m.-1 p.m.	1	Opening of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption
		2	Election of officers
		3	Adoption of the agenda and organization of work
		4	Consideration of proposals and contributions received from Governments
	3-6 p.m.	4	Continuation of the discussion
Wednesday, 5 December, and Thursday, 6 December	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation of the discussion
Friday, 7 December	10 a.m.-1 p.m.	4	Continuation and conclusion of the discussion
	3-6 p.m.	5	Adoption of the report of the Informal Preparatory Meeting